## RECEIVED CENTRAL FAX CENTER

410 436 2534

P.002

## MAY 2 0 2009

BOARD OF PATENT APPEALS AND INTERFERENCES & PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. 1.136(a) (Large Entity)					Docket No. DAM 581-02	
In Re Application Of: Cheng J. Cao, et al						
		•		,		
Applica	tion No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/63	1,224	07/28/2003	Shabnan Shah, Khatol S.	24211	1645	3741
invention: Methods for Determining the Presence of Staphylococcal Enterotoxin A Gene in a Sample						
COMMISSIONER FOR PATENTS:						
This is a combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of in the above-identified application.						
Date Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary						
Examiner dated 01/26/2009 finally rejecting Claim(s) 15, 23 and 24						
Applicant(s) hereby request(s) an extension of time of (check desired time period):  ☑ One month: ☐ Two months ☐ Three months ☐ Four months ☐ Five months						
fro	m:	04/27/2009	until:	05 <i>0</i>	26/2009	•
		0-0-7-7-00/		4412		
		Date			Date	
		Date	xtension of Time has been ca	alculated as show	Date	
		Date	xtension of Time has been ca Fee for Notice of Appeal	alculated as show	Date vn below: 0.00	
The fee	for the Not	<i>Date</i> tice of Appeal and E	xtension of Time has been ca Fee for Notice of Appeal Fee for Extension of Tim	liculated as show : \$54 ne: \$13	Date vn below:	
The fee	for the Not	<i>Date</i> tice of Appeal and E	xtension of Time has been ca Fee for Notice of Appeal	liculated as show : \$54 ne: \$13	Date vn below: 0.00	
The fee	for the Not	Date tice of Appeal and E	xtension of Time has been ca Fee for Notice of Appeal Fee for Extension of Tim	siculated as show 1: \$54 ne: \$13 E: \$67	Date vn below: 0.00	
The fee	for the Not	Date tice of Appeal and E	xtension of Time has been ca Fee for Notice of Appeal Fee for Extension of Tim L AND EXTENSION OF TIM	ilculated as show  1: \$54  ne: \$13  E: \$67  as follows:	Date vn below: 60.00 0.00	closed.
TOTAL The fee	for the Noti	Date tice of Appeal and E. NOTICE OF APPEA	xtension of Time has been ca Fee for Notice of Appeal Fee for Extension of Tim L AND EXTENSION OF TIM. tension of time is to be paid a for the Notice of Ap	ilculated as show  1: \$54  ne: \$13  E: \$67  as follows:	Date on below: 0.00 0.00 0.00 ion of time is en	closed.
TOTAL The fee	for the Notineck in the base charge	Date tice of Appeal and E. NOTICE OF APPEA ice of Appeal and ex amount of Deposit Account N s hereby authorized	xtension of Time has been ca Fee for Notice of Appeal Fee for Extension of Tim L AND EXTENSION OF TIM. tension of time is to be paid a for the Notice of Ap	alculated as shown  1: \$54  1: \$13  E: \$67  2: \$67  2: \$670.0  2: \$670.0  2: \$670.0  2: \$670.0  2: \$670.0  2: \$670.0  2: \$670.0	Date on below: 10.00 10.00 10.00 ion of time is end	c <b>ł</b> osed.
TOTAL The fee	for the Notineck in the base charge e Director is munication	Date tice of Appeal and E. NOTICE OF APPEA ice of Appeal and ex amount of Deposit Account N s hereby authorized on or credit any over	xtension of Time has been ce Fee for Notice of Appeal Fee for Extension of Tim  L AND EXTENSION OF TIM  tension of time is to be paid a for the Notice of Appeal  o. 19-2201 in the ar  to charge payment of the folk	alculated as shown:   : \$54   he: \$13   E: \$67   as follows:   opeal and extens     operations	Date on below: 10.00 10.00 10.00 ion of time is end	
TOTAL The fee	for the Notine heck in the base charge e Director is munication.	Date tice of Appeal and Education of Appeal and examount of a Deposit Account N is hereby authorized on or credit any overstional filing fees required.	represented to charge payment to Deposit Account Notice of Account Notice of Appeals Fee for Extension of Times.  L AND EXTENSION OF TIMEs.  for the Notice of Appeals for the Notice of Appeals in the arctic charge payment of the folk payment to Deposit Account Notice of Account Notice of Account Notice Payment to Deposit Account Notice of Account Notice Payment to Deposit Account Notice of Account Notice Payment Times	alculated as shown:   : \$54   he: \$13   E: \$67   as follows:   opeal and extens     owing fees associated   100     object	Date on below: 10.00 10.00 10.00 ion of time is end	
TOTAL  The fee  A c  Pie  The cor	FEE FOR I	Date tice of Appeal and Education of Appeal and examount of a Deposit Account N is hereby authorized on or credit any overputional filing fees required application process	required, please consider this	alculated as shown:  \$54  ne: \$13  E: \$67  as follows:  opeal and extens  mount of \$670.0  owing fees associated as shown of \$670.0  owing fees associated as shown of \$670.0  o	Date vn below: 0.00 0.00 0.00 ion of time is end ciated with this RZI1 00000013 1 540.00 DA	92201 10631224
TOTAL  The fee  A c  Ple  The fee	FEE FOR I	Date tice of Appeal and Extension of time is	required, please consider this Account No. 19-2201.	alculated as shown:  \$54  ne: \$13  E: \$67  as follows:  opeal and extens  mount of \$670.0  owing fees associated as shown of \$670.0  owing fees associated as shown of \$670.0  o	Date vn below: 0.00 0.00 0.00 ion of time is end ciated with this RZI1 00000013 1 540.00 DA	92201 10631224

AMSRD-CC

MAY 2 0 2009

410 436 2534

P.003

COMBINED NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE Docket No. BOARD OF PATENT APPEALS AND INTERFERENCES & PETITION FOR **DAM 581-02** EXTENSION OF TIME UNDER 37 C.F.R. 1.136(a) (Large Entity) In Re Application Of: Cheng J. Cao, et al Application No. Filing Date Examiner Customer No. Group Art Unit Confirmation No. 07/28/2003 Shahnan Shah, Khatol S. 24211 10/631,224 1645 3741 Invention: Methods for Determining the Presence of Staphylococcal Enterotoxin A Gene in a Sample TO THE COMMISSIONER FOR PATENTS: This combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences and petition for extension of time under 37 CFR 1.136(a) is respectfully submitted by the undersigned: Dated: May 20, 2009 U. John Biffoni Attorney for Applicant Registration No. 39, 908 410-436-1158 Certificate of Transmission by Facsimile\* Certificate of Mailing certify that this document and authorization to charge that this correspondence is being I hereby certify deposit account is being facsimile transmitted to the United deposited with the United States Postal Service with States Patent and Trademark Office sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(e) on (Date) Signature of Person Mailing Correspondence Vicki A. Upchurch Typed or Printed Name of Person Signing Certificate Typed or Printed Name of Person Mailing Correspondence \*This certificate may only be used if paying by deposit account. CC: